



Environmental & Enhancement Group:
Historic Preservation Team

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What We Do and Why We're Here

- ✦ Over 30 Federal and State Laws apply to the treatment of historic properties.
- ✦ Federal projects must comply with the National Historic Preservation Act of 1966 (16 USC 470). AKA "Section 106"
- ✦ Projects done with ADOT (State) funds must comply with ARS §41-864
- ✦ The laws allow for Section 106 to be done in conjunction with the NEPA Process
- ✦ Compliance for Federal and State laws are done very similarly.
- ✦ A project that is exempt from NEPA may not be exempt from Section 106 or State Act compliance.

Schedule

- ✦ Involving the HPT specialist in the scheduling process allows for more accurate schedule estimates.
- ✦ Additional survey may be needed for new ROW or temporary construction easements (TCEs); identifying these early keeps the project running smoothly.
- ✦ Schedules for historic preservation compliance depend on numerous variables. Schedules will be project-specific.



The First Step: PDS

- ✦ The Project Data Sheet (PDS) is a “snapshot in time” of the project and previous technical investigations.
- ✦ HPT reviews the PDS with the on-call consultant specialist to determine what needs to be done in order for consultation to begin (ie cultural resources survey).
- ✦ When the HPT specialist and the on-call determine what is needed, a schedule is identified to determine what the next deliverable is, and when it can be reasonably expected.



Consultation Initiation: The CIF

- ✿ HPT uses the Consultation Initiation Form (CIF) to initiate Section 106 or State Act consultation with all interested parties (“consulting parties”).
- ✿ The CIF provides HPT with all the information necessary to initiate consultation under the State Act and Section 106.
- ✿ The CIF is filled out by the on-call consultant’s cultural resources specialists and submitted to HPT with all necessary attachments. If the package is incomplete, it will be sent back to the consultant for revisions.

What's included in the CIF

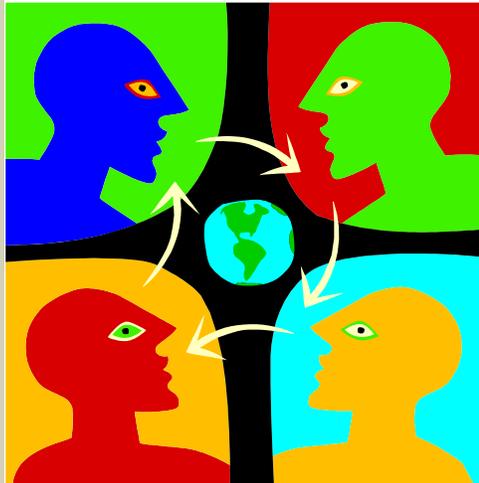
- ✂ A description of the undertaking (project)
- ✂ The area of potential effect (APE)
- ✂ Land jurisdiction
- ✂ Consulting parties
- ✂ List of all previous reports identifying historic properties within the APE.
- ✂ Identification of all historic properties within the APE, along with their National Register significance.
- ✂ Recommendation of the effect of the project on historic properties.
- ✂ Attachments: new cultural resources surveys, concurrences for adequacy of previous reports, map of project APE, avoidance commitments from Project Manager.

Reviewing New Reports

- ✦ Reports are reviewed for adequacy.
- ✦ The HPT Handbook includes a checklist that identifies what information is required for a report to be considered adequate.
- ✦ Reports that are lacking necessary information are returned for revisions.
- ✦ Size of report and length of time necessary for review depend on scope of project, previously completed work, and quality of the report.



Consultation



- ✦ Consultation involves communication between agencies regarding the project and its effect on historic properties.
- ✦ Consultation is done with SHPO, land managing agencies, and Native American Tribes, when appropriate.
- ✦ Under the current Programmatic Agreement, ADOT can consult on behalf of FHWA.

HPT & The Environmental Document

- ✦ The Cultural Resources Section of the Environmental Document can be completed when:
 - Consultation is complete
 - An agreement is in place that binds the consulting parties to completing the consultation process (MOA or PA).

- ✦ The Environmental Document documents the compliance with the state and federal laws regarding historic properties.



When Historic Properties Can't be Avoided: The "Adverse Effect"



- ✦ If "data recovery" is required, additional agreements may need to be negotiated between the consulting parties.
- ✦ Data Recovery Plans need to be reviewed by consulting parties prior to implementation.
- ✦ Reports need to be reviewed and found adequate prior to construction activities.
- ✦ Archaeological excavation is not the only way to mitigate an "adverse effect"

What to do when you need a “no adverse effect” determination



- ✦ Often required in Transportation Enhancement Projects.
- ✦ ADOT on-calls have specialists available to assist with review of designs impacting historic buildings, structures, and the like.
- ✦ Keep an open mind about design.
- ✦ Allow time for review and possible changes to designs.

Is it over?

- ✦ HPT's process may not end with the completion of the Environmental Document.
 - ✦ Consultation may end by concurrence with the effect determination by consulting parties.
 - ✦ Consultation may be required until project designs are complete, depending on the project.
 - ✦ The agency determines when consultation is over, and will notify the NEPA Planner when it is complete.
- ✦ Consultation may need to be re-started because of changes in the scope of the project.



Tracking your project's process

- ✦ HPT maintains real-time entry in the EEG database.
- ✦ Be sure to inform your HPT specialist of any changes to the project scope.
- ✦ The NEPA Planners and on-call consultants are transmitted copies of responses from consulting parties as they arrive at HPT.



HPT Process: Review



- ✦ Consultation is project-specific. HPT requires specific information in order to consult.
- ✦ The on-call consultants provide the necessary materials to HPT through the PDS and CIF.
- ✦ Changes in scope may require the process to be re-started.
- ✦ The database is a useful tool for tracking the compliance process.

Resources

YOUR BEST RESOURCE IS YOUR HPT SPECIALIST



- ✦ The HPT Handbook includes PDS, CIF, Report Checklist, and links to laws, regulations, and procedures.

<http://www.azdot.gov/Highways/EEG/documents/culturalresources.asp>